

PTO/SB/21 (09-04)

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|---|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing)<br><br>Total Number of Pages in This Submission | Application Number     | 10/052,473        |
|   | Filing Date            | January 18, 2002  |
|   | First Named Inventor   | Baerveldt, George |
|   | Art Unit               | 3739              |
|   | Examiner Name          | FARAH, AHMED M    |
|   | Attorney Docket Number | 02307U-132310US   |

| ENCLOSURES (Check all that apply)   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition to Convert to a Provisional Application                         | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                                | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address           | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                                | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                              | <input type="checkbox"/> Request for Refund   | Return Postcard   |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____  | PTO/SB/08A & PTO/SB/08B   |
|   | <input type="checkbox"/> Landscape Table on CD  | 0 Reference Copies  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                   | Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application           |   |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53         |   |   |

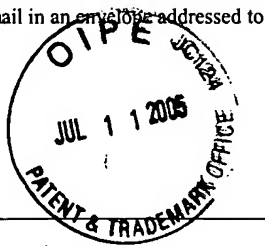
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                    |          |        |
|--|------------------------------------|----------|--------|
| Firm Name                                  | Townsend and Townsend and Crew LLP |          |        |
| Signature                                  |                                    |          |        |
| Printed name                               | James M. Heslin                    |          |        |
| Date                                       | July 8, 2005                       | Reg. No. | 29,541 |

| CERTIFICATE OF TRANSMISSION/MAILING   |                  |      |              |
|---|------------------|------|--------------|
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| Signature   |                  |      |              |
| Typed or printed name   | Jennifer O'Brien | Date | July 8, 2005 |

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On 7-8-05



PATENT  
Attorney Docket No.: 02307U-132310US  
Client Reference No.: NEOME-015A

TOWNSEND and TOWNSEND and CREW LLP

By:

  
Jennifer O'Brien

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

GEORGE BAERVELDT et al.

Application No.: 10/052,473

Filed: January 18, 2002

For: MINIMALLY INVASIVE  
GLAUCOMA SURGICAL  
TREATMENT AND METHOD

Examiner: FARAH, AHMED M

Art Unit: 3739

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are not enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

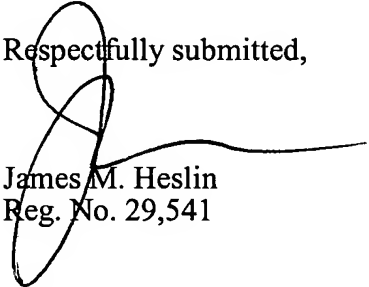
This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

CERTIFICATION

I hereby certify that no item of information contained in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
James M. Heslin  
Reg. No. 29,541

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|---|---|----|--------------------------|------------------------|-----------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |   |    | <b>Complete if Known</b> |                        |                 |
|   |   |    | Application Number       | 10/052,473             |                 |
|   |   |    | Filing Date              | January 18, 2002       |                 |
|   |   |    | First Named Inventor     | Baerveldt, George      |                 |
|   |   |    | Art Unit                 | 3739                   |                 |
|   |   |    | Examiner Name            | FARAH, AHMED M         |                 |
| Sheet   | 1 | of | 1                        | Attorney Docket Number | 02307U-132310US |

| U.S. PATENT DOCUMENTS+ |                          |  |                                |  |   |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials*  | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                        |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                        | 1                        | 5,133,714                                | 07-28-1992                     | Beane  |   |
|                        | 2                        | 5,324,282                                | 06-28-1994                     | Dodick   |   |
|                        | 3                        | 5,906,611                                | 05-25-1999                     | Dodick et al.                                      |   |
|                        | 4                        | 5,989,249                                | 11-23-1999                     | Kirwan, Jr.  |   |
|                        | 5                        | 6,228,084 B1                             | 05-08-2002                     | Kirwan, Jr.  |   |
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|                        | 9                        | 2003/0208217 A1                          | 11-06-2003                     | Dan  |   |

| FOREIGN PATENT DOCUMENTS |                          |                           |                     |                                   |                                |   |  |                          |
|--------------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|---|--|--------------------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |                     |                                   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup>           |
|                          |                          | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |                                |   |  |                          |
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| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---------------------------------|--------------------------|---|----------------|
| Examiner<br>Initials *          | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item<br>(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),<br>publisher, city and/or country where published. | T <sup>2</sup> |
|                                 |                          |   |                |
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|-----------------------|--|--------------------|--|

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.